

b.) REMARKS

In the outstanding Office Action, the Examiner requested that Applicants elect for prosecution one of the inventions (Groups I-XXXII) noted on page 2 therein. The Examiner's analysis of non-unity of invention is set forth in paragraph "2" at page 3.

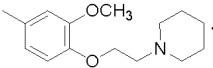
At the outset, Applicants respectfully request that the Examiner reformulate the restriction requirement. Applicants are aware of no bases in the law or fact for his assertion why claims specifying various R^1 - R^6 moieties each recite separately patentable inventions. That is to say, it is not at all correct to say, Applicants core structure cannot be a "common technical feature" due to the 2',4'-dihydroxy-2-(4-methoxyphenyl) acetophenone of U.S. Patent No. 7,074,770.

Rather, at least among Groups V-XVI (claims 11-20) there is a common shared novel technical feature in that Applicants' core structure provides an R^{2A} moiety that is an optionally substituted aryl or aromatic heterocyclic group. For this reason, Applicants earnestly submit the Examiner's analyses under PCT Rules 13.1 and 13.2 is factually incorrect at least regarding claims 11-20.

Accordingly, Applicants respectfully suggest the Restriction Requirement be reformulated as follows: Group V should contain claims 11-20 and Groups XVII-XXXII should be renumbered appropriately. At the very least, the Restriction Requirement should be reformulated as follows: Group V (claims 11-20 in part) wherein R^{2A} is optionally substituted aryl and Group VI (claims 11-20 in part) wherein R^{2A} is optionally substituted aromatic heterocyclic.

Nonetheless, in response to the Examiner's request, Applicants hereby elect Group V, namely claim 16.

Additionally, the Examiner is requiring that Applicants select one of compounds 1-158 in Tables I and II as a single species for search. In response, Applicants hereby select compound 147 (specification page 44 and Example 146 at pages 216 et seq.).

As noted at page 33, compound 147 provides R^{2A} as . Claims 11-20 are readable upon compound 147.

Entry hereof is earnestly solicited.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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